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C O N F I D E N T I A L BRASILIA 001396

SIPDIS

E.O. 12958: DECL: 05/24/2015

TAGS: [PREF](#) [SMIG](#) [BR](#) [US](#)

SUBJECT: BRAZIL DECLINES GUANTANAMO MIGRANTS

REF: A. 04 STATE 305348

[B](#). 04 STATE 139422

[C](#). 04 BRASILIA 633

[D](#). STATE 86436

Classified By: POLOFF BISOLA OJIKUTU FOR REASONS 1.4 B AND D

[1](#). (U) On May 20, PolOff delivered reftel and talking points to Brazil's Ministry of External Relations (MRE) International Organizations Division (DOI) and the Human Rights Divisions (DDH). PolOff also delivered reftel talking points to UNHCR representative in Brasilia Luis Varese. PolOff's requests for a meeting with the Brazilian National Committee for Refugees (CONARE) were refused because CONARE's position has not changed since reftels A through D.

[2](#). (C) Officials from DDH, DOI, and UNHCR confirmed that the GOB's position regarding this issue has not changed since 2003 and will likely not change in the foreseeable future. The GOB still contends that it cannot accept Guantanamo migrants because it is illegal to designate someone not on Brazilian soil a refugee. Despite multiple requests, PolOff did not receive a response regarding the USG's offer to pay for transportation for GOB resettlement officials to travel to Guantanamo. (Comment: Based upon Brazilian legislation and CONARE's strong stance against the USG's proposal, PolOff does not believe that the GOB will accept this arrangement. End Comment)

[3](#). (C) DDH Office Director Marcia Ramos told PolOff that the GOB's close relationship with the Cuban government would make it impossible for the GOB to accept Cuban refugees. When PolOff asked if the GOB would consider accepting Haitian migrants only, Ramos said that due to Brazilian legislation, the GOB could not accept any migrants from Guantanamo Bay.

[4](#). (C) UNHCR representative Luis Varese was more forthcoming in providing concrete answers to explain the GOB's position. (Note: Varese is a CONARE member and has one vote on the board. End note.) Varese told PolOff that refugee status in Brazil is usually granted after the refugee has been recognized by the host country (in this case, the U.S.). According to Varese, the GOB and CONARE believe that the migrants at Guantanamo Bay do not fit into this category because the USG has not "formally recognized" them as refugees. If they were formally recognized, CONARE believes, the USG would allow them to resettle in the U.S. so resettlement would not be an issue. Varese told PolOff that the "formal recognition" issue caused the GOB to reject the USG's proposal in 2003. He also told PolOff that CONARE's position would "probably not change" in the future.

Comment

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[5](#). (C) All attempts to discuss this issue with GOB and CONARE officials were flatly refused or accepted begrudgingly. In addition, this issue has been raised on numerous occasions and at a variety of levels, including U/S Grossman, since [2](#)2003. Given Brazilian legislation and Varese's comments, it does not appear that CONARE or the GOB will change their position on this issue.

DANILOVICH